



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Ref: 8ENF-L

MEMORANDUM

SUBJECT: Access Order for Remedial Action at VB/I-70 Site

FROM: Karen S. Kellen
Enforcement Attorney

TO: Michael T. Risner, Director
Legal Enforcement Program

Sharon Kercher, Director
Technical Enforcement Program

DATE: August 22, 2006

Attached is an Administrative Order Directing Compliance with Request for Access for one property within the VB/I-70 Superfund Site. This property appears to be abandoned as neither the City and County of Denver nor EPA can find the listed property owners. The City has a tax certificate on the property and wants to take it in order to build affordable housing. The high levels of lead on the property have prevented the City from moving forward. I am recommending that we issue the attached Order to allow EPA to conduct the response action prior to Denver's acquisition of the property. The memo is to explain the unusual nature of the service for this Order.

I have issued the Order as an in rem action against the property itself. Service of the listed property owners has been futile as everything mailed to their address (the vacant lot) has been returned. We have posted a notice on the property itself and we ran a notice in both the Rocky Mountain News and the Denver Post for the last 2 weeks trying to alert the owner to our intentions. We have had no response from anyone claiming to be the owner of the property.

The Order will go into effect immediately so that the crew can begin remediation. The crew will be given a copy of the Order to have in their possession during the implementation of the action. They will be instructed to stop work and contact me immediately if anyone claims ownership and objects to the cleanup. The Order gives us 2 days to resolve the matter with a conference, but I expect that we can offer an immediate conference to avoid delays. We do not expect anyone to show up during the cleanup, but the terms of the Order should help with any due process issues that might be raised. The contractor is finishing the final properties this month so the Order needs to be issued immediately.